



Heightened Scrutiny FAQ

Does KDADS have to submit Heightened Scrutiny categories to CMS by July 1, 2020? How will this happen when KDADS has stated that initial reviews and validation might extend beyond this date?

Currently, the July 2020 date is flexible due to the mounting concerns of COVID 19. At this point, KDADS has identified all settings that have triggered heightened scrutiny based off assessment answers and is currently looking into a review method that satisfies CMS requirements, but also upholds provider and client safety. Those who have triggered heightened scrutiny will receive an email from KDADS as well as a remediation email.

Due to COVID-19 is there any anticipation that dates and deadlines might change?

KDADS has asked CMS if there is any potential that these dates and deadlines might change and there has not been a definitive response yet. The decision on timelines ultimately lies with CMS as it impacts all states. An extension to meet final rule compliance has been updated to 3/17/2023 as of July 2020.

Will every provider have an on-site assessment performed by KDADS?

The on-site assessment or equivalent is only planned for settings that are in Category 1 and/or 2 of heightened scrutiny. If a setting is not in Category 1 and/or 2 of heightened scrutiny, KDADS is not planning to do an on-site assessment. If an assessment is needed KDADS will contact the provider to schedule a site visit or other virtual activities.

If a setting has also triggered Category 3, then these questions can be remediated via the "remediation tab" at communityconnectionsks.org. Category 3 will only require a site visit if deemed necessary due to submitted evidence, lack of evidence or public response. Otherwise, Category 3 settings can make necessary remediation that will be presented to CMS if the state determines it does/can overcome heightened scrutiny



presumptions. KDADS will contact the provider to schedule a site visit or other virtual activities.

If I think an aspect of my site might deem it heightened scrutiny how might I find out?

If the provider self-identified these answers, it was flagged during the assessment. If it was found during validation and desk review that a setting might require heightened scrutiny attention, the provider will be contacted by the Heightened Scrutiny Director or Team to schedule an on-site visit for Category 1 and 2. KDADS has developed a color-code under the remediation tab to help identify what level of heightened scrutiny each setting might be under. Heightened scrutiny Categories 1 and 2 will be in red and heightened scrutiny 3 will be in orange. Categories 1 and 2 are more urgent than 3. There is a color legend to help providers decipher the remediation table.

Does Category 3 require an on-site assessment?

No, Category 3 does not require an on-site. However, an on-site might be necessary by KDADS if evidence or lack of evidence and/or public comment initiates further review to ensure the setting complies with the Final Rule. Only those in heightened scrutiny Category 1 and/or 2 will require an on-site assessment. KDADS is asking those in Category 3 to remediate. Settings will only need an on-site if they are Category 1 or 2. If a setting has also triggered Category 3, then those questions can be remediated via the “remediation tab” at communityconnectionsks.org.

Would any heightened scrutiny on-site visits be before or after the remediation process? If we have an on-site visit is the remediation process still online?

Yes, the remediation process is all done online. The remediation process will be the same regardless of heightened scrutiny definition. It does need to be accomplished while heightened scrutiny is being addressed. Due to Covid-19 all site visits have been put on hold as KDADS works to develop strategies to accomplish on-site reviews.

For additional clarification, all settings flagged for heightened scrutiny must either already be complying or have established plans to comply with Final Settings Rule requirements. These plans will be uploaded to the remediation tab until completed. The state can submit heightened scrutiny packets to CMS prior to full implementation of plans. However, those plans must be implemented prior to the 3/17/2023 date.



Why would I be receiving two emails for each location requiring remediation?

There is one email stating initial validation has been completed and the second email is stating the review phase is completed and the setting is now in remediation. If a setting is triggered for heightened scrutiny the provider will also receive an additional email from KDADS.